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**FACSIMILE INFORMATION SHEET**

RESPONSE UNDER 37 C.F.R §1.116  
EXPEDITED PROCEDURE  
GROUP ART UNIT 1617

Name of Individual: MAIL STOP AF  
Commissioner for Patents

Company: United States Patent and Trademark Office  
City and State: Alexandria, VA

Facsimile Number: 703-872-9306

From: Kirk M. Miles, Esquire

Total Number of Pages: 10

Date Transmitted: May 9, 2005

CV01382K US

Client No.: 4686

File No.: 045584

**Message:**

Application No. 10/057,629  
Inventors: Harry R. Davis  
Filed: January 25, 2002  
Title: USE OF SUBSTITUTED AZETIDINONE COMPOUNDS FOR THE TREATMENT OF  
SITOSTEROLEMIA

Transmittal Form (1p)  
Fee Transmittal 1p. (2x)  
Notice of Appeal (2pp)(3x)

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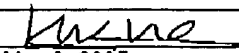
PTO/SB/21 (04-04)

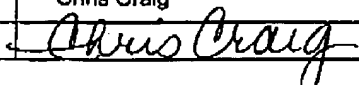
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|   |                      |                           |
|---|----------------------|---------------------------|
| <b>TRANSMITTAL FORM</b><br>(to be used for all correspondence after initial filing) | Application Number   | 10/057,629                |
|   | Filing Date          | January 25, 2002          |
|   | First Named Inventor | Harry R. Davis            |
|   | Art Unit             | 1617                      |
|   | Examiner Name        | San Ming R. Hui           |
| Total Number of Pages in This Submission  | 9                    | Attorney Docket Number    |
|   |                      | CV01362K US - 4686-045584 |

| ENCLOSURES (Check all that apply)  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Documents<br><input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application<br><input type="checkbox"/> Response to Missing Parts<br>under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a<br>Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance communication<br>To Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board<br>of Appeals and Interferences<br><input checked="" type="checkbox"/> Appeal Communication to TC<br>(Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please<br>Identify below) |
| Remarks  |  |  |
| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT   |  |  |
| Firm or Individual name  | Kirk M. Miles<br>The Webb Law Firm   |  |
| Signature  |   |  |
| Date   | May 9, 2005  |  |


| CERTIFICATE OF TRANSMISSION/MAILING   |   |      |            |
|---|---|------|------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |   |      |            |
| Typed or printed name   | Chris Craig   |      |            |
| Signature   |  | Date | 05/09/2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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| Effective on 12/08/2004.<br>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818)   |               | <b>Complete if Known</b>  |                         |                           |                  |                       |                |
|--|---------------|---|-------------------------|---------------------------|------------------|-----------------------|----------------|
| <b>FEE TRANSMITTAL</b><br><b>For FY 2005</b>   |               | Application Number  | 10/057,629              |                           |                  |                       |                |
|  |               | Filing Date   | January 25, 2002        |                           |                  |                       |                |
|  |               | First Named Inventor  | Harry R. Davis et al.   |                           |                  |                       |                |
|  |               | Examiner Name   | San Ming R. Hui         |                           |                  |                       |                |
|  |               | Art Unit  | 1617                    |                           |                  |                       |                |
|  |               | Attorney Docket No.   | CV01382K US/4686-045584 |                           |                  |                       |                |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27   |               |   |                         |                           |                  |                       |                |
| <b>TOTAL AMOUNT OF PAYMENT</b> (\$ ) 500.00  |               |   |                         |                           |                  |                       |                |
| <b>METHOD OF PAYMENT</b> (check all that apply)  |               |   |                         |                           |                  |                       |                |
| <input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____ |               |   |                         |                           |                  |                       |                |
| <input checked="" type="checkbox"/> Deposit Account   Deposit Account Number: <u>23-0650</u> Deposit Account Name: <u>The Webb Law Firm</u>  |               |   |                         |                           |                  |                       |                |
| For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)   |               |   |                         |                           |                  |                       |                |
| <input checked="" type="checkbox"/> Charge fee(s) indicated below  |               | <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee |                         |                           |                  |                       |                |
| <input checked="" type="checkbox"/> Charge any additional fee(s) or underpayments of fee(s) Under 37 CFR 1.16 and 1.17   |               | <input checked="" type="checkbox"/> Credit any overpayments                       |                         |                           |                  |                       |                |
| <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.        |               |   |                         |                           |                  |                       |                |
| <b>FEE CALCULATION</b>   |               |   |                         |                           |                  |                       |                |
| <b>1. BASIC FILING, SEARCH, AND EXAMINATION FEES</b>   |               |   |                         |                           |                  |                       |                |
| Application Type   | FILING FEES   |   | SEARCH FEES             |                           | EXAMINATION FEES |                       | Fees Paid (\$) |
|  | Fee (\$)      | Small Entity Fee (\$)   | Fee (\$)                | Small Entity Fee (\$)     | Fee (\$)         | Small Entity Fee (\$) |                |
| Utility  | 300           | 150   | 500                     | 250                       | 200              | 100                   | _____          |
| Design   | 200           | 100   | 100                     | 50                        | 130              | 65                    | _____          |
| Plant  | 200           | 100   | 300                     | 150                       | 160              | 80                    | _____          |
| Reissue  | 300           | 150   | 500                     | 250                       | 600              | 300                   | _____          |
| Provisional  | 200           | 100   | 0                       | 0                         | 0                | 0                     | _____          |
| Fee Description  | Small Entity  |   |                         |                           |                  |                       |                |
|  | Fee (\$)      | Fee (\$)  |                         |                           |                  |                       |                |
| Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent   | 50            | 25  |                         |                           |                  |                       |                |
| Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent  | 200           | 100   |                         |                           |                  |                       |                |
| Multiple dependent claims  | 360           | 180   |                         |                           |                  |                       |                |
| Total Claims   | Extra Claims  | Fee (\$)  | Fee Paid (\$)           | Multiple Dependent Claims | Fee (\$)         | Fee Paid (\$)         |                |
| - 20 or HP = _____ x _____ = _____   |               |   |                         |                           |                  |                       |                |
| HP = highest number of total claims paid for, if greater than 20   |               |   |                         |                           |                  |                       |                |
| Indep. Claims   Extra Claims   Fee (\$)   Fee Paid (\$)  |               |   |                         |                           |                  |                       |                |
| - 3 or HP = _____ x _____ = _____  |               |   |                         |                           |                  |                       |                |
| HP = highest number of independent claims paid for, if greater than 3  |               |   |                         |                           |                  |                       |                |
| Total Sheets   | Extra Sheets  | Number of each additional 50 or fraction thereof                                  | Fee (\$)                | Fee Paid (\$)             |                  |                       |                |
| - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____  |               |   |                         |                           |                  |                       |                |
|  | Fee Paid (\$) |   |                         |                           |                  |                       |                |
| Non-English Specification, \$130 fee (no small entity discount)  | _____         |   |                         |                           |                  |                       |                |
| Other: Notice of Appeal \$500.00   | 500.00        |   |                         |                           |                  |                       |                |

|                     |   |                                   |              |
|---------------------|---|-----------------------------------|--------------|
| <b>SUBMITTED BY</b> |   |                                   |              |
| Signature           |  | Registration No. (Attorney/Agent) | 37,891       |
| Name (Print/Type)   | Kirk M. Miles   | Telephone                         | 412-471-8815 |
|                     |   | Date                              | May 9, 2005  |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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MAY 09 2005

Response Under 37 C.F.R. § 1.116  
Expedited Procedure  
Group Art Unit 1617

Application No. 10/057,339  
Paper Dated: May 9, 2005  
Attorney Docket No. CV01382K US/4686-045584

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/057,629  
Inventors : Harry R. DAVIS  
Filed : January 25, 2002  
Title : USE OF SUBSTITUTED AZETIDINONE  
COMPOUNDS FOR THE TREATMENT OF  
SITOSTEROLEMIA  
Group Art Unit : 1617  
Examiner : San Ming R. Hui  
Customer No. : 28289

FACSMILE NO. 703-872-9306  
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P. O. Box 1450  
Alexandria, VA 22313-1450

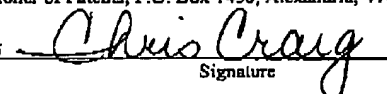
**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated February 8, 2005 of the Primary Examiner finally rejecting claims 1, 8-11, 13-24, 32-45, and 53-56.

I hereby certify that this correspondence is being sent via facsimile to:  
Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

05/09/2005  
Date

  
Signature

Chris Craig

Typed Name of Person Signing Certificate

**Response Under 37 C.F.R. § 1.116  
Expedited Procedure  
Group Art Unit 1617**

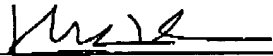
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This Notice is being timely filed on May 9, 2005 as the due date of May 8, 2005 is a Sunday.

The Commissioner for Patents is hereby authorized to charge any fees which may be required to Deposit Account No. 23-0650 or credit any overpayment to Deposit Account No. 23-0650. The original and two copies of this Notice of Appeal are attached.

Respectfully submitted,

THE WEBB LAW FIRM

By 

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05/9/2005

Date

Signature

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Typed Name of Person Signing Certificate

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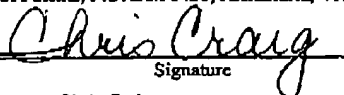
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05/9/2005  
Date

  
Signature

Chris Craig

05/10/2005 SDIRETA1 00000054 230650 10057629 Typed Name of Person Signing Certificate  
01 FC:1401 500.00 DA



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Application No. 10/057,339

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